

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ARVIND and ALKA AGARWAL,

Plaintiffs,

v.

OREGON MUTUAL INSURANCE CO.,

Defendant.

2:11-CV-1384-LDG-CWH

**ORDER**

This case arises out defendant's denial of plaintiffs' claim under a business owners policy following losses occasioned by vandalism and theft at an apartment building located in Las Vegas, Nevada. Plaintiffs originally filed the case in California state court and it was removed to federal court in the Northern District of California on May 13, 2011. On August 26, 2011, the case was transferred to this court.

Following discovery management by the magistrate judge, including the approval of a discovery extension, defendant filed a motion for summary judgment, or in the alternative, partial summary judgment, on August 3, 2012, which plaintiffs opposed after the close of discovery by asserting, in part, that certain evidence should be excluded because it was not produced during discovery. On September 21, 2012, plaintiffs filed their omnibus discovery motion in which it sought to compel defendant's responses to various categories of discovery which plaintiffs

1 maintain had not been produced. On January 18, 2013, the magistrate judge issued a  
2 comprehensive order denying plaintiffs' omnibus discovery motion. Plaintiffs have not appealed  
3 the magistrate judge's order, and pending is the magistrate judge's ruling on defendant's affidavit  
4 of expenses.

5 The court believes that, as the evidentiary record in this case has now been clarified by the  
6 magistrate judge's order, a settlement conference would be beneficial before the court addresses  
7 the summary judgment motion, which was filed and briefed before the issuance of the order.  
8 Accordingly,

9 THE COURT HEREBY DIRECTS that the magistrate judge conduct a settlement  
10 conference in this matter, the schedule and location of which to be determined by the magistrate  
11 judge.

12 THE COURT FURTHER ORDERS that, in the interests of docket management and to  
13 preserve the status quo until the settlement conference, defendant's motion for summary judgment  
14 or, in the alternative, partial summary judgment (#52) is DENIED without prejudice. Following  
15 the outcome of the settlement conference, the court will reinstate defendant's motion, if necessary.

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17 Dated this 7 day of March, 2013.

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21 Lloyd D. George  
United States District Judge  
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